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### **REMARKS**

Claims 1-25 are pending in the application.

Claims 1-25 are rejected.

#### **Prior Art Rejections**

##### **35 USC 102(e) Rejections**

Claims 1-5, 11, 13-19 and 24-25 were rejected under 35 USC 102(e) as being anticipated by US Patent No. 6,359,859 to Brolin et al.

With regard to the above claims, applicants respectfully submit that the Brolin reference does not anticipate the claims since all of the limitations thereof are neither taught nor suggested by the reference.

More specifically, with regard to independent Claims 1, 16 and 24, applicants claim an interface device for coupling between one or more telecommunication service cards and the switching core of a multiservice switch. The claimed device/method calls for a plurality of service-side input and output ports as well as a plurality of core-side input and output ports, as well as a data flow switch and link failure detector coupled between the service side and core side ports. A controller directs the flow switch to enable communications paths between either on-line or protection service cards and the switching core.

The Brolin reference describes a combination add/drop multiplexer-ATM switch. With regard to the independent claims, the Brolin reference does not disclose an interface device that couples between service cards and a switching core as is claimed by applicants. Viewing the ATM switching fabric as the core, the Office Action incorrectly states that the line units 30 of Fig. 1 can be considered as an interface device to the service side units 36. This presumption is incorrect, however, since communications traffic from the service cards is only directed to the line unit 30 when the traffic is directed to the STM switching fabric.

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That is, traffic which is destined for the ATM switch fabric from the service cards is routed directly to the ATM switch fabric and not through the line unit, as is stated in the Office Action. See, for example, column 5, lines 60-66, which state that a first backplane interface of a service unit permits interconnection to the STM switching fabric and second backplane interface permits interconnection to the ATM switch fabric. (See also, Col. 5, lines 11-30.) Thus, no interface device is used to connect the service units to a switching fabric. The above point is illustrated even more clearly, considering figures 7 and 9, which show service unit cards being coupled directly to the ATM switching fabric 114 and not through an interface. Thus, the Brolin reference does not disclose service cards being coupled to a switching fabric through an interface device (having a data flow switch) as is claimed in connection with the present invention.

With respect to Claims 2, 17 and 25, applicants further submit that the claims are not anticipated by the Brolin reference. Figure 9, for example, shows both active and standby (or protection) service cards being coupled directly to the ATM switching fabric. As can be seen, this is exactly the type of situation that the present invention was designed to prevent – that is, in the Figure 9 embodiment of Brolin, switch fabric bandwidth is required to be allotted for both the active and protection service cards. Accordingly, there is no change in bandwidth allotment between the service cards and interface vs. the interface and switching core as is claimed. Moreover, since there is no interface at all, as was explained with respect to the independent claims, the limitations of Claims 2, 17 and 25 are also not met and the claims should, therefore, be allowable.

### **35 USC 103(a) Rejections**

Claims 6-10 and 20-23 were rejected as being obvious over Brolin in view of Bronte et al. (US Patent No. 5,621,720).

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Applicants respectfully requests withdrawal of the Examiner's rejections regarding the above claims. Applicants submit that the present invention, as set forth in the claims, is non-obvious in view of the combination of cited references, since a person skilled in the art would not be motivated to combine the references in the manner suggested by the Examiner. In addition, the claims are believed to be distinguishable over cited references, since all of the limitations of the claims as presented are not found in the cited references even if combined as suggested.

As a first point applicants do understand the motivation to combine the two references, as stated in the Office Action. Applicants respectfully submit that the instant combination is a case of hindsight reconstruction, since there is no suggestion from the Brolin reference to manipulate addresses with respect to assigned data flows from the service cards. "The critical inquiry is whether 'there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.'" *Fromson v. Advance Offset Plate, Inc.*, 225 USPQ 26, 31 (Fed. Cir. 1985) quoting *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d at 1462, 221 USPQ at 488. Applicant respectfully submits, as is stated by the Nomiya court that "[t]here must, however, be a reason apparent at the time the invention was made to the person of ordinary skill in the art for applying the teaching at hand, or the use of the teaching as evidence of obviousness will entail prohibited hindsight."

"One of the more difficult aspects of resolving questions of non-obviousness is the necessity 'to guard against slipping into use of hindsight.' . . . Many inventions may seem obvious to everyone after they have been made. However, 35 USC 103 instructs us to inquire into whether the claimed invention 'would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *In re Carroll*, 202

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USPQ 571, 572 (C.C.P.A. 1979) (quoting *Graham v. John Deere Co.*, 383 U.S. 1, 36 (1965))

The remainder of the claims not specifically discussed either depend from a base claim that as previously discussed has been shown to be allowable, or are allowable based on the subject matter included therein.

Based on the above remarks and the amendments to the claims, applicants submit that the claims have been shown to be allowable in view of the prior art and that the basis for any rejections has been overcome.

#### Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, it is respectfully requested that the Examiner contact the applicants' attorney at (732) 949-9742, so that a mutually convenient date and time for a telephonic interview may be scheduled.

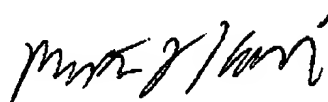
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If any additional fees are due with respect to this amendment, please charge them to Deposit Account No. 12-2325

Respectfully submitted,



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Lucent Technologies Inc.  
Dated: September 27, 2004

I hereby certify that this correspondence (and any paper referred to as being transmitted therewith) is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date indicated below.  
September 27, 2004  
Date  Matthew J. Hodulik